

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:05CR3051 |
| |) | |
| v. |) | |
| |) | |
| JESUS MANUELRODRIGUEZ |) | MEMORANDUM AND ORDER |
| MARTINEZ, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Pending before me are two motions: the defendant's motion for disclosure of confidential informant, filing 13, and his motion to continue trial, filing 19.

The defendant has moved for pre-trial disclosure of the identity of "confidential informant 377-2909 (CI) who was used in the investigation of this case and to disclose the prior criminal convictions of [this] CI." Filing 13. The government's responsive brief states that on October 20, 2005, it disclosed the identity of the cooperating individual used in controlled buys with the defendant by providing his or her name and federal criminal case number to the defendant's counsel. Filing 17.

The defendant's motion to continue is unopposed by the government, and contemporaneously with filing the motion, the defendant also filed a signed waiver of speedy trial in accordance with NECrimR 12.1.

IT THEREFORE HEREBY IS ORDERED:

1. The defendant's motion for disclosure of confidential informant, filing 13, is denied as moot.
2. The defendant's motion to continue, filing 19, is granted. Trial is set to commence at 9:00 a.m. on

December 12, 2005 for a duration of five trial days before the Honorable Warren K. Urbom. Jury selection will be at the commencement of trial.

3. This Court further finds that, based upon the showing set forth in defendant's motion, the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between November 7, 2005 and December 12, 2005 shall be excluded for speedy trial calculation purposes.

DATED this 27th day of October, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge